IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH;

AT HYDERABAD

PRESENT

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO.2545 OF 2006:

Between

Shabharwal travels, rep. By Mr.Hajeet Singh Sabharwal.

….Petitioner

and

The Manager, HDFC Bank Ltd.,

4th floor, Lala Land mark, Opp.Ranigunj Bus Stop,

Secunderabad.

…..Respondent.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 2545 OF 2006

ORDER:

In this writ petition, the petitioner seeks writ of mandamus to declare the action of the respondent in not issuing auction notice and not releasing the vehicles bearing Nos. AP-09Y-3499 and AP-09Y-3599, as illegal and arbitrary.

In the counter affidavit filed on behalf of the respondent, it is stated, that the vehicles in question are covered by hire purchase agreement and in view of default committed by the petitioner, the said vehicles were seized and put to auction and in the auction, they were sold to third party.

As much as it is a contractual obligation, covered by hire purchase agreement, the issue involved in this writ petition is not amenable to writ jurisdiction under Article 226 of the Constitution of India. Further, it is submitted by the learned Counsel for the respondent, that the vehicles were already sold to third party. In absence of making the purchaser of the said vehicles as party to the writ petition, the relief sought in this writ petition cannot be granted.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 17-03-2006.

Msnr.